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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,342	10/28/2003	Ruldolf J. Hofmeister	15436.253.66.1	5604
7590	02/10/2005		EXAMINER	
R. BURNS ISRAELSEN WORKMAN NYDEGGER 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			NGUYEN, DUNG T	
			ART UNIT	PAPER NUMBER
			2828	
DATE MAILED: 02/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/695,342	HOFMEISTER ET AL.	
	Examiner Dung (Michael) T. Nguyen	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 January 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 14-21 is/are pending in the application.
 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 14-21 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/12/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 1-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/12/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 14-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Aronson et al. (US2002/0149821).

With respect to claim 14, Aronson show in Fig.2-3 an optoelectronic device 100 comprising: an optical subassembly 103; a driver circuit 105 coupled to the optical subassembly; a memory 120, including one or more memory arrays for storing information used to control operation of the driver circuit, wherein the

memory has stored therein a distinct set of digital temperature compensation values 122 determined through testing of the optoelectronic device, an interface 121 for reading from and writing to locations within the memory in accordance with commands from a host device, a temperature sensor 125; and a control logic 134 configured to determine a control value for the driver circuit in accordance with one or more digital temperature compensation values stored in the memory and the digital temperature value.

With respect to claim 19, Aronson show in Fig.2-3 an optoelectronic device 100 comprising: an optical subassembly 103; a controller integrated circuitry 102 in communication with the optical subassembly, the controller integrated circuitry comprising: a memory device 120 configured to store control parameters for at least one operating requirement corresponding to a range of operating temperatures 122, and a control logic 134 configured to access the control parameters in the memory device to control the at least one operating requirement when the optoelectronic device is operating at a temperature within the range of operating temperatures.

With respect to claims 15-16 and 20-21, Aronson show in Fig.2 the TOSA 103 and the ROSA 102.

With respect to claim17, Aronson show in Fig.3 an analog to digital conversion circuitry 127 for receiving an analog signal from the temperature sensor 125, converting the received analog signal into a digital temperature value.

With respect to claim18, Aronson show in Fig.2-3 the digital to analog circuitry 123 configured to convert the control value to a control signal to control the driver circuit 105.

Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (571) 272-1949. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Harvey can be reached on (571) 272-1835. The fax

phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

A handwritten signature consisting of two stylized, cursive loops connected by a horizontal line.

Michael Dung Nguyen

MICHAEL DUNG NGUYEN
PRINCIPAL INVESTIGATOR
FBI